



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Lubbock Co,

Honorable Clifford B. Jones, President
Texas Technological College
Lubbock, Texas

Dear Sir:

Opinion No. O-2259

Re: Application of Rollard Fee
Bill to courses in student
vocational flight training
when offered by Texas Tech-
nological College.

We are in receipt of your letter of April 8, 1940, which
reads as follows:

"It will be appreciated if at your convenience you
will kindly advise whether in your opinion courses in
Student Vocational Flight Training under the auspices
of the Civil Aeronautics Authority, fall within the
provisions of the Rollard Fee Bill. The course com-
prehends ground work at the College and flight train-
ing at the Municipal Airport."

By the Rollard Fee Bill we understand you to refer to
Acts 1927, 40th Leg., p. 381, Ch. 237, (Art. 2654a, et seq.,
Vernon's Texas Civil Statutes) and amendments thereto.

Article 2654a, Vernon's Civil Statutes, provides in part
as follows:

"Sec. 1. No State educational institution shall col-
lect from the students thereof any tuition, fee or
charge of any kind whatever except as permitted by
this Act, and no student shall be refused admission to
or discharged from any such institution for the non-
payment of any tuition, fee or charge except as permitted
in this Act.

"Sec. 2. Any such educational institution may col-
lect from each student a matriculation fee of not to
exceed thirty (\$30) dollars for any term of nine months,

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and laboratory charges to cover actual laboratory materials and supplies used by such student not to exceed in any event four (\$4.00) dollars for any one year from any one student in any one laboratory course. Matriculation fees for any six weeks may not exceed five dollars, or for any ten weeks term, not to exceed ten dollars. Provided, however said educational institutions may collect reasonable deposits from students each year to insure said institutions against losses, breakage etc., in libraries and laboratories, said deposits to be returned at the end of each school year minus such damage, loss or breakage as may have been done by each individual student who has put up a deposit.

"Sec. 3. The words 'State educational institutions' as used in this Act shall include the following and any branch thereof; . . . the Texas Technological College; . . .

"Sec. 4. Nothing in this Act shall prevent the collection of fees or charges voluntarily paid by the students to cover the expense of student activities; provided, however, that the same shall never be made compulsory or required by the educational institution as a condition precedent to a student entering or continuing at said institution."

Article 2654c, Vernon's Texas Civil Statutes, (Acts 1933, p. 596, Ch. 196) contains the following provisions:

"Sec. 1. The governing boards of the several institutions of collegiate rank supported in whole or in part by public funds appropriated from the State Treasury shall cause to be collected from students registering in the said schools after September 1, 1933, tuition at the following rates:

"1. From each resident student, who registers for twelve (12) or more semester hours of work per semester of four and one-half (4½) months, Twenty-five Dollars (\$25.00) per semester; or, who registers for twelve (12) or more term hours of work per term of three (3) months, Sixteen Dollars and Sixty-seven Cents (\$16.67) per term.

". . .

"4. From each student registering for a summer session, such amount as shall be fixed by the govern-

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ing board of such institution, but in no event less than Twenty Dollars (\$20.00) for a twelve (12) weeks term nor more than Thirty-five Dollars (\$35.00) for a twelve (12) weeks term.

"5. The foregoing provisions, requiring the governing boards to collect tuition, shall not be interpreted as depriving the said boards of the right to collect such library, laboratory, and other fees as they are now permitted by law to collect."

Provision is also made for payment of fees by non-resident students.

Article 2654c, Vernon's Texas Civil Statutes, as amended by the addition of Section 4a, 46th Leg., S. B. No. 283, § 1, provides for charging extra tuition from each student registering for courses in the Departments of Arts, Drama or Speech, and Music; it being recited in the emergency clause that this amendment resulted from a ruling by the Attorney General's Department, that extra tuition could not be charged for fine arts courses in State-supported institutions. Evidently the opinion referred to is No. 0-177, which ruled that such institutions are not authorized to require any charges from students other than those authorized by the above mentioned statutes.

We adhere to the conclusions expressed in our former opinion. As we construe these statutes, it was the purpose of the Legislature to prescribe the charges which such institutions are permitted to require of students registering in such schools, and when such fees are paid, no additional charges may be required by the enumerated State colleges and universities in the absence of an exception permitted by legislative enactment.

It is our opinion that the Pollard Fee Bill applies to courses in Student Vocational Flight Training offered by Texas Technological College, and charges by the College may not be made of students, except as authorized by the Legislature in such enactment and amendments thereto.

Yours very truly

ATTORNEY GENERAL OF TEXAS

CCC:N

By

Cecil C. Carmack
Cecil C. Carmack
Assistant

APPROVED MAY 3, 1940

George B. Mann

ATTORNEY GENERAL OF TEXAS



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